



General Assembly

**Amendment**

February Session, 2010

LCO No. 4827

**\*HB0523004827HD0\***

Offered by:

REP. SHAPIRO, 144<sup>th</sup> Dist.

SEN. COLAPIETRO, 31<sup>st</sup> Dist.

To: Subst. House Bill No. 5230

File No. 180

Cal. No. 117

**"AN ACT CONCERNING THE LICENSING OF SWIMMING POOL INSTALLERS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section,  
4 "swimming pool" means any in-ground structure intended for  
5 swimming.

6 (b) On or after January 1, 2012, no person shall install a swimming  
7 pool unless such person holds a swimming pool builder's license  
8 issued by the Commissioner of Consumer Protection.

9 (c) Not later than April 1, 2011, the Commissioner of Consumer  
10 Protection shall adopt regulations, in accordance with the provisions of  
11 chapter 54 of the general statutes, to implement the provisions of this  
12 section, including establishing the amount and type of experience,  
13 training and examination requirements for a person to obtain a

14 swimming pool builder's license.

15 (d) Any person who installs a swimming pool on residential  
16 property owned by such person shall be exempt from the provisions of  
17 this section.

18 (e) The holder of a swimming pool builder's license issued pursuant  
19 to this section shall comply with the provisions of chapter 400 of the  
20 general statutes regarding registration as a home improvement  
21 contractor.

22 (f) A person licensed as a swimming pool builder pursuant to this  
23 section shall not perform electrical work, plumbing and piping work  
24 or heating, piping and cooling work, as defined in section 20-330 of the  
25 general statutes, unless such person is licensed to perform such work  
26 pursuant to chapter 393 of the general statutes.

27 (g) The fee for a swimming pool builder's license shall be one  
28 hundred fifty dollars. Licenses shall be valid for a period of one year  
29 from the date of issuance.

30 Sec. 2. Section 20-341 of the 2010 supplement to the general statutes  
31 is repealed and the following is substituted in lieu thereof (*Effective*  
32 *January 1, 2012*):

33 (a) Any person who wilfully engages in or practices the work or  
34 occupation for which a license is required by this chapter or by section  
35 1 of this act without having first obtained an apprentice permit or a  
36 certificate and license for such work, as applicable, or who wilfully  
37 employs or supplies for employment a person who does not have a  
38 certificate and license for such work, or who wilfully and falsely  
39 pretends to qualify to engage in or practice such work or occupation,  
40 or who wilfully engages in or practices any of the work or occupations  
41 for which a license is required by this chapter after the expiration of  
42 such person's license, shall be guilty of a class B misdemeanor,  
43 provided no criminal charges shall be instituted against such person  
44 pursuant to this subsection unless the work activity in question is

45 reviewed by the Commissioner of Consumer Protection, or the  
46 commissioner's authorized agent, and the commissioner or such agent  
47 specifically determines, in writing, that such work activity requires a  
48 license and is not the subject of a bona fide dispute between persons  
49 engaged in any trade or craft, whether licensed or unlicensed.  
50 Notwithstanding the provisions of subsection (d) or (e) of section 53a-  
51 29 and subsection (d) of section 54-56e, if the court determines that  
52 such person cannot fully repay any victims of such person within the  
53 period of probation established in subsection (d) or (e) of section 53a-  
54 29 or subsection (d) of section 54-56e, the court may impose probation  
55 for a period of not more than five years. The penalty provided in this  
56 subsection shall be in addition to any other penalties and remedies  
57 available under this chapter or chapter 416.

58 (b) The appropriate examining board or the Commissioner of  
59 Consumer Protection may, after notice and hearing, impose a civil  
60 penalty on any person who engages in or practices the work or  
61 occupation for which a license or apprentice registration certificate is  
62 required by this chapter, section 1 of this act, chapter 394 or chapter  
63 482 without having first obtained such a license or certificate, or who  
64 wilfully employs or supplies for employment a person who does not  
65 have such a license or certificate or who wilfully and falsely pretends  
66 to qualify to engage in or practice such work or occupation, or who  
67 engages in or practices any of the work or occupations for which a  
68 license or certificate is required by this chapter, section 1 of this act,  
69 chapter 394 or chapter 482 after the expiration of the license or  
70 certificate or who violates any of the provisions of this chapter, section  
71 1 of this act, chapter 394 or chapter 482 or the regulations adopted  
72 pursuant thereto. Such penalty shall be in an amount not more than  
73 one thousand dollars for a first violation of this subsection, not more  
74 than one thousand five hundred dollars for a second violation of this  
75 subsection and not more than three thousand dollars for each violation  
76 of this subsection occurring less than three years after a second or  
77 subsequent violation of this subsection, except that any individual  
78 employed as an apprentice but improperly registered shall not be

79 penalized for a first offense.

80 (c) If an examining board or the Commissioner of Consumer  
81 Protection imposes a civil penalty under the provisions of subsection  
82 (b) of this section as a result of a violation initially reported by a  
83 municipal building official in accordance with subsection (c) of section  
84 29-261, the commissioner shall, not less than sixty days after collecting  
85 such civil penalty, remit one-half of the amount collected to such  
86 municipality.

87 (d) A violation of any of the provisions of this chapter or section 1 of  
88 this act shall be deemed an unfair or deceptive trade practice under  
89 subsection (a) of section 42-110b.

90 (e) This section shall not apply to any person who (1) holds a license  
91 issued under this chapter, chapter 394 or chapter 482 and performs  
92 work that is incidentally, directly and immediately appropriate to the  
93 performance of such person's trade where such work commences at an  
94 outlet, receptacle or connection previously installed by a person  
95 holding the proper license, or (2) engages in work that does not require  
96 a license under this chapter, chapter 394 or chapter 482.

97 Sec. 3. Section 20-417aa of the general statutes is amended by adding  
98 subsections (e) to (g), inclusive, as follows (*Effective January 1, 2012*):

99 (NEW) (e) Any person who wilfully engages in or practices the  
100 work or occupation for which a license is required by this section  
101 without having first obtained a license for such work, or who wilfully  
102 employs or supplies for employment a person who does not have a  
103 license for such work, or who wilfully and falsely pretends to qualify  
104 to engage in or practice such work, or who wilfully engages in or  
105 practices any of the work for which a license is required by this section  
106 after the expiration of such person's license, shall be guilty of a class B  
107 misdemeanor, provided no criminal charges shall be instituted against  
108 such person pursuant to this subsection unless the work activity in  
109 question is reviewed by the Commissioner of Consumer Protection, or  
110 the commissioner's authorized agent, and the commissioner or such

111 agent specifically determines, in writing, that such work activity  
112 requires a license and is not the subject of a bona fide dispute between  
113 persons engaged in any trade or craft, whether licensed or unlicensed.  
114 Notwithstanding the provisions of subsection (d) or (e) of section 53a-  
115 29 and subsection (d) of section 54-56e, if the court determines that  
116 such person cannot fully repay any victims of such person within the  
117 period of probation established in subsection (d) or (e) of section 53a-  
118 29 or subsection (d) of section 54-56e, the court may impose probation  
119 for a period of not more than five years. The penalty provided in this  
120 subsection shall be in addition to any other penalties and remedies  
121 available under this chapter or chapter 416.

122 (NEW) (f) The Commissioner of Consumer Protection may, after  
123 notice and hearing, impose a civil penalty on any person who engages  
124 in or practices the work or occupation for which a license is required  
125 by this section, without having first obtained such a license or  
126 certificate, or who wilfully employs or supplies for employment a  
127 person who does not have such a license or who wilfully and falsely  
128 pretends to qualify to engage in or practice such work, or who engages  
129 in or practices any of the work or occupations for which a license or  
130 certificate is required by this section after the expiration of the license,  
131 or who violates any of the provisions of this section or the regulations  
132 adopted pursuant thereto. Such penalty shall be in an amount not  
133 more than one thousand dollars for a first violation of this subsection,  
134 not more than one thousand five hundred dollars for a second  
135 violation of this subsection and not more than three thousand dollars  
136 for each violation of this subsection occurring less than three years  
137 after a second or subsequent violation of this subsection.

138 (NEW) (g) A violation of any of the provisions of this section shall  
139 be deemed an unfair or deceptive trade practice under subsection (a)  
140 of section 42-110b.

141 Sec. 4. Subsection (a) of section 21-28 of the 2010 supplement to the  
142 general statutes is repealed and the following is substituted in lieu  
143 thereof (*Effective from passage*):

144 (a) Each itinerant vendor or managing itinerant vendor shall obtain  
145 a license, for each location at which such vendor will be conducting  
146 business, from the Department of Consumer Protection prior to  
147 conducting business in this state. Application for such license shall be  
148 made on a form prescribed by the Commissioner of Consumer  
149 Protection and the commissioner shall require as a condition to the  
150 issuance and renewal of any license obtained under this chapter that  
151 the application for such license shall be accompanied by a license fee of  
152 two hundred dollars, together with a fee of two hundred dollars  
153 payable to the Itinerant Vendor Guaranty Fund established in section  
154 21-33b. Such license shall authorize the licensee to do business in this  
155 state in conformity with the provisions of this chapter for the term of  
156 one year from the date thereof. Each license shall set forth a copy of the  
157 application upon which it is granted and shall not be transferable. Each  
158 itinerant vendor or managing itinerant vendor licensed under this  
159 chapter shall display in a conspicuous manner in all printed  
160 advertisements, the license number and the name under which the  
161 license is issued. Any license obtained, held or used in violation of law  
162 shall be void. All applications for state licenses shall be sworn to, shall  
163 disclose the names and residences of the owner or owners or parties in  
164 whose interest the business is to be conducted, and shall be kept on file  
165 by the commissioner, and a record shall be kept by him of all licenses  
166 issued upon such applications. All files and records, both of the  
167 commissioner and of the several towns, cities and boroughs, relative to  
168 such licenses shall be in convenient form and open for public  
169 inspection.

170 Sec. 5. Subsection (b) of section 20-331 of the general statutes is  
171 repealed and the following is substituted in lieu thereof (*Effective from*  
172 *passage*):

173 (b) The Electrical Work Board shall consist of twelve members who  
174 shall be residents of this state, one of whom shall be a general  
175 contractor or an unlimited contractor licensed for such occupation  
176 under this chapter, two of whom shall be unlimited contractors  
177 licensed for such occupation under this chapter, neither of whom at

178 the time of appointment shall be a member or an employee of a  
 179 member of a trade union or a party or an employee of a party to a  
 180 contract with a trade union, one of whom shall be a limited contractor  
 181 licensed to perform low voltage work or an electronic technician  
 182 licensed under chapter 394, four of whom shall be unlimited  
 183 journeymen licensed for such occupation under this chapter, who at  
 184 the time of appointment shall be members of a trade union and four of  
 185 whom shall be public members."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>January 1, 2012</i>	20-341
Sec. 3	<i>January 1, 2012</i>	20-417aa
Sec. 4	<i>from passage</i>	21-28(a)
Sec. 5	<i>from passage</i>	20-331(b)